

**REMARKS**

Reconsideration and allowance of the subject application in view of the foregoing amendments and following remarks is respectfully requested.

Claims 1-22 are pending. Claims 1, 5, and 22 have been amended to correct minor typographical errors and better present the claimed subject matter.

**Claims 1-22 are not anticipated by Gao et al. (US Patent 6,898,650)**

The rejection of claims 1-22 under 35 USC 102(e) as being anticipated by Gao is hereby traversed. A rejection based on 35 U.S.C. §102 requires every element of the claim to be included in the reference, either directly or inherently. Claim 1 is patentable over Gao because the reference fails to disclose or suggest every element of claim 1.

Claim 1

Gao fails to disclose or suggest “creating a commencement reference to the subsequent element” as claimed in claim 1.

The PTO asserts that Gao describes a commencement reference at column 4, lines 36-49. This is incorrect. Gao describes using an in-use flag to indicate “whether [a] container is being used at the current time.” Gao at column 3, lines 43-44. The PTO-identified portion of Gao, reproduced herein for ease of reference and convenience, state as follows:

At step 510, the client locates a container in the queue. At step 515, attempts to lock the container, so that no other client can use the container. In the preferred embodiment, an atomic set and swap operation is used to try to lock the container by setting the in-use flag to 1. An atomic set and swap operation sets a field to the given value and returns the old value atomically (in one indivisible computer operation). Many modern computer systems (e.g., IBM mainframes) have such instructions, and most MP environments (e.g., Novell's Multiple Processor Kernel) include such functions. Generally, the atomic set and swap operation will return the value of the field being accessed to the caller; the value returned gives the caller an indication of whether the operation succeeded.

Gao at column 4, lines 36-49

The PTO-identified portion of Gao appears to describe using an atomic set and swap operation to attempt to lock access to a container in a queue and not creating a commencement

reference. As described in the instant specification at page 6, paragraph 12, creation of a recommencement reference allows a first process to “unlock the linked-list (step 45), thereby allowing an opportunity for a second process to gain control over the linked-list.” After the first process regains control over the linked-list, the first process is able to “determine[] a subsequent element in the linked-list according to the recommencement reference that points to a subsequent element (step 55).” Instant specification at page 7, paragraph 13. Gao fails to disclose creation of a recommencement reference to a subsequent element as claimed in claim 1. For at least this reason, withdrawal of the rejection is respectfully requested.

Based on the foregoing, claim 1 is patentable over Gao and the rejection should be withdrawn.

Claims 2-4 depend, either directly or indirectly, from claim 1, include further limitations, and are patentable over Gao for at least the reasons advanced above with respect to claim 1. The rejection of claims 2-4 should be withdrawn.

#### Claim 5

Gao fails to disclose or suggest at least “updating a recommencement reference” as claimed in claim 5.

As set forth above with respect to claim 1, Gao appears to describe the use of an in-use flag, however, Gao fails to disclose or suggest a recommencement reference as claimed in claim 5. The Gao in-use flag is not used to recommence traversal of a linked-list. For at least this reason, withdrawal of the rejection is respectfully requested.

Claim 6 depends, either directly or indirectly, from claim 5, includes further limitations, and is patentable over Gao for at least the reasons advanced above with respect to claim 5. The rejection of claims 6 should be withdrawn.

#### Claims 7 and 13

Gao fails to disclose or suggest at least “create a recommencement reference to a subsequent data element” as claimed in claim 7 and 13.

Claims 7 and 13 are patentable over Gao for at least reasons similar to those advance above with respect to claim 1 and the rejection of claims 7 and 13 should be withdrawn.

Claims 8-12 and 14-18 depend, either directly or indirectly, from claims 7 and 13, respectively, include further limitations, and are patentable over Gao for at least the reasons advanced above with respect to claims 7 and 13. The rejection of claims 8-12 and 14-18 should be withdrawn.

Claim 19

Gao fails to disclose or suggest at least “means for creating a recommencement reference to the subsequent element” as claimed in claim 19. Similar to the above reasons presented with respect to claim 1, claim 19 is patentable over Gao and the rejection should be withdrawn.

Claims 20-22 depend, either directly or indirectly, from claim 19, include further limitations, and are patentable over Gao for at least the reasons advanced above with respect to claim 19. The rejection of claims 20-22 should be withdrawn.

**Conclusion**

All objections and rejections having been addressed, it is respectfully submitted that the present application should be in condition for allowance and a Notice to that effect is earnestly solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 08-2025 and please credit any excess fees to such deposit account.

Respectfully submitted,

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